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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
RIVER PILE AND FOUNDATION CO., INC.,

Plaintiff,

- against -

FIDELITY AND DEPOSIT COMPANY  
OF MARYLAND,

Defendant.  
-----X

Case No.  
07 Civ. 6370 (KMK) (MDF)

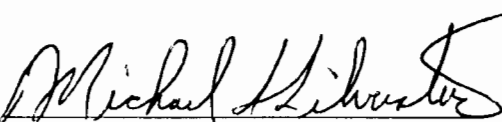
**STIPULATION OF  
DISCONTINUANCE  
WITH PREJUDICE**

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, the attorneys of record for all of the parties hereto, that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of the action, the above-entitled action be, and the same is hereby discontinued with prejudice and without costs to either party as against the other. This stipulation may be filed without further notice with the Clerk of the Court.

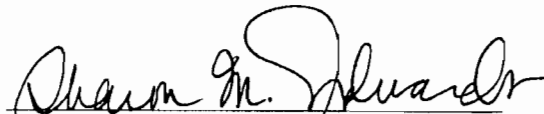
Dated: March 21, 2008

Welby, Brady & Greenblatt, LLP

Law Offices of Neil B. Connelly

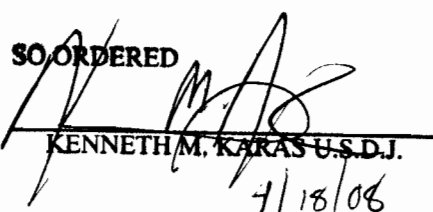


Michael I. Silverstein, Esq.  
Attorneys for Plaintiff  
River Pile and Foundation Co., Inc.  
11 Martine Avenue - PH  
White Plains, New York 10606  
(914) 428-2100



Sharon M. Edwards, Esq.  
Attorney for Defendant  
Fidelity and Deposit Company of Maryland  
99 Church Street  
White Plains, New York 10601  
(914) 328-4100

**SO ORDERED**



KENNETH M. KARAS U.S.D.J.  
4/18/08